

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-14
AGENDA DATE: Thu 07/28/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0033 - 2529 South Lamar Blvd.- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2529 South Lamar Blvd. (southwest side of Bluebonnet Lane, beginning approximately 285 feet southeast of the intersection of Bluebonnet Lane and South Lamar Blvd.) (West Bouldin Watershed) from family residence (SF-3) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning with conditions. Applicant: Gene Payne. Agent: Jim Bennett. City Staff: Robert Heil, 974-2330.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0033

ZAP Date: April 19, 2005
May 3, 2005
July 5, 2005

ADDRESS: 2529 S. Lamar; also known the property located on Bluebonnet Lane beginning approximately 285 feet southeast of the intersection of Bluebonnet Lane and South Lamar Blvd.

OWNER/APPLICANT: Gene Payne

AGENT: Jim Bennett

ZONING FROM: SF-3

TO: LO-MU-CO

AREA: 2.139 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. The conditional overlay would specify:

- Maximum of 2000 vehicle trips per day;
- Maximum of 40 residential units
- Minimum 20% and maximum 40% of building square footage to be non-residential uses;
- Minimum 60% and maximum 80% of building square footage to be residential uses;
- Prohibit medical office use; and
- Shielded exterior lights.

In addition there is a restrictive covenant specifying that there shall be no access to Bluebonnet Lane until the improvements specified in the Neighborhood Traffic Analysis have been completed.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

April 19, 2005: Postponed until May 3, 2005 at the request of staff.

[J.M; M.W 2ND] (7-0) K.J; C.H – ABSENT

May 3, 2005: APPROVED LO-MU-CO ZONING WITH CONDITIONS OF:

- MAXIMUM OF 2000 VEHICLE TRIPS PER DAY;
- MAXIMUM 40 RESIDENTIAL UNITS
- MAXIMUM 40% OF BUILDING SQUARE FOOTAGE TO BE NON-RESIDENTIAL USES;
- MAXIMUM 80% OF BUILDING SQUARE FOOTAGE TO BE RESIDENTIAL USES;
- PROHIBIT MEDICAL OFFICE USE;
- NO ACCESS TO BLUEBONNET LANE UNTIL UPGRADES HAVE BEEN MADE;

- **PROVIDE SHIELDED EXTERIOR LIGHTING**
[K.J; M.W 2ND] (8-0) J.M – ABSENT

July 5, 2005: Reconfirmed their action of May 3, 2005 by consent

APPROVED LO-MU-CO ZONING WITH CONDITIONS OF:

- ***MAXIMUM OF 2000 VEHICLE TRIPS PER DAY;***
- ***MAXIMUM 40 RESIDENTIAL UNITS***
- ***MAXIMUM 40% OF BUILDING SQUARE FOOTAGE TO BE NON-RESIDENTIAL USES;***
- ***MAXIMUM 80% OF BUILDING SQUARE FOOTAGE TO BE RESIDENTIAL USES;***
- ***PROHIBIT MEDICAL OFFICE USE;***
- ***NO ACCESS TO BLUEBONNET LANE UNTIL UPGRADES HAVE BEEN MADE;***
- ***PROVIDE SHIELDED EXTERIOR LIGHTING***
[J.M; J.G 2ND] (7-0) M.W – ABSENT; T.R – ARRIVED LATE

DEPARTMENT COMMENTS:

The applicant and neighborhood agree to the Zoning and Platting Commission's recommendations. In addition there is a separate private restrictive covenant being signed by the neighborhood and applicant to address additional site development and construction timing issues.

This case was previous heard by this commission on May 3, 2005. The property was incorrectly described as 2525 Lamar at that time. The property is currently known as 2529 South Lamar; also known the property located on Bluebonnet Lane beginning approximately 285 feet southwest of the intersection of Bluebonnet Lane and South Lamar Blvd.

The property is currently zonde Family Residence (SF-3) and the request is for a rezoning to Neighborhood Commercial-Mixed Use-Conditional Overlay (LR-MU-CO). The conditional overlay would limit vehicle trips to less than 2000 per day.

Staff recommends Limited Office-Mixed Use-Conditional Overlay (LO-MU-CO). Staff supports the conditional overlay limiting trips to less than 2000 vehicle trips per day.

The property to the west and north is in the process of being redeveloped for a Walgreen's Drug Store. To the south is parking for a Mexican restaurant – Matt's el Rancho. To the east is multi-family (MF-2) zoned land developed with one single-family house. Across Bluebonnet to the north lies additional Family Residence (SF-3) zoned land.

Staff supports the addition of mixed use to provide additional housing opportunities but believes that Limited Office is more in keeping with surrounding land use and neighborhood patterns.

The property is located in the proposed South Lamar Neighborhood Planning Area, that is scheduled to begin in the October 2005. The tentative Planning Commission Public hearing dates should occur in the June 2006, and the City Council will consider the neighborhood plan and rezoning in the summer of 2006.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Mobile Home Park
<i>North</i>	LO-CO and LR-CO	Future site of Walgreens
<i>South</i>	LO	Parking for Mexican Restaurant (Matt's El Rancho)
<i>East</i>	MF-2	Vacant and One Single Family House
<i>West</i>	LO-CO	Vacant

AREA STUDY: The property lies within the proposed South Lamar Neighborhood Planning Area which is scheduled to begin in September, 2005.

TIA: A Neighborhood Traffic Analysis was prepared (attached).

WATERSHED: West Bouldin **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** No

REGISTERED NEIGHBORHOOD ORGANIZATIONS:

- South Lamar Neighborhood Association
- South Central Coalition
- Austin Neighborhoods Council
- Barton Springs/Edwards Aquifer Conservation District
- Austin Independent School District

SCHOOLS: (AISD)

Zilker Elementary School O. Henry Middle School Austin High School

ABUTTING STREETS and TRAFFIC INFORMATION:

A neighborhood traffic analysis was prepared and is attached.

C14-05-0033

CITY COUNCIL DATE: July 28, 2005

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil
e-mail address: robert.heil@ci.austin.tx.us

PHONE: 974-2330



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: R. HEIL

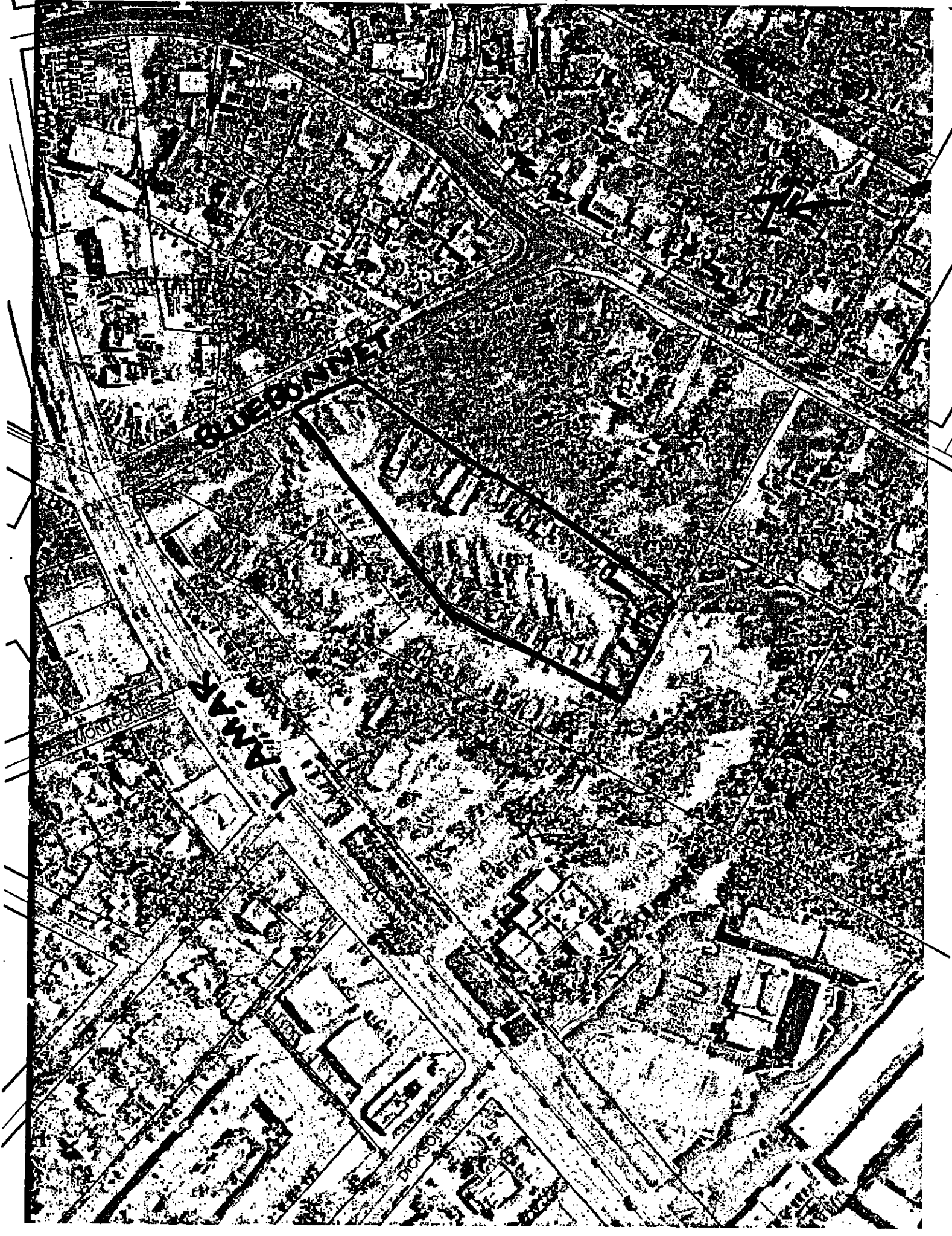


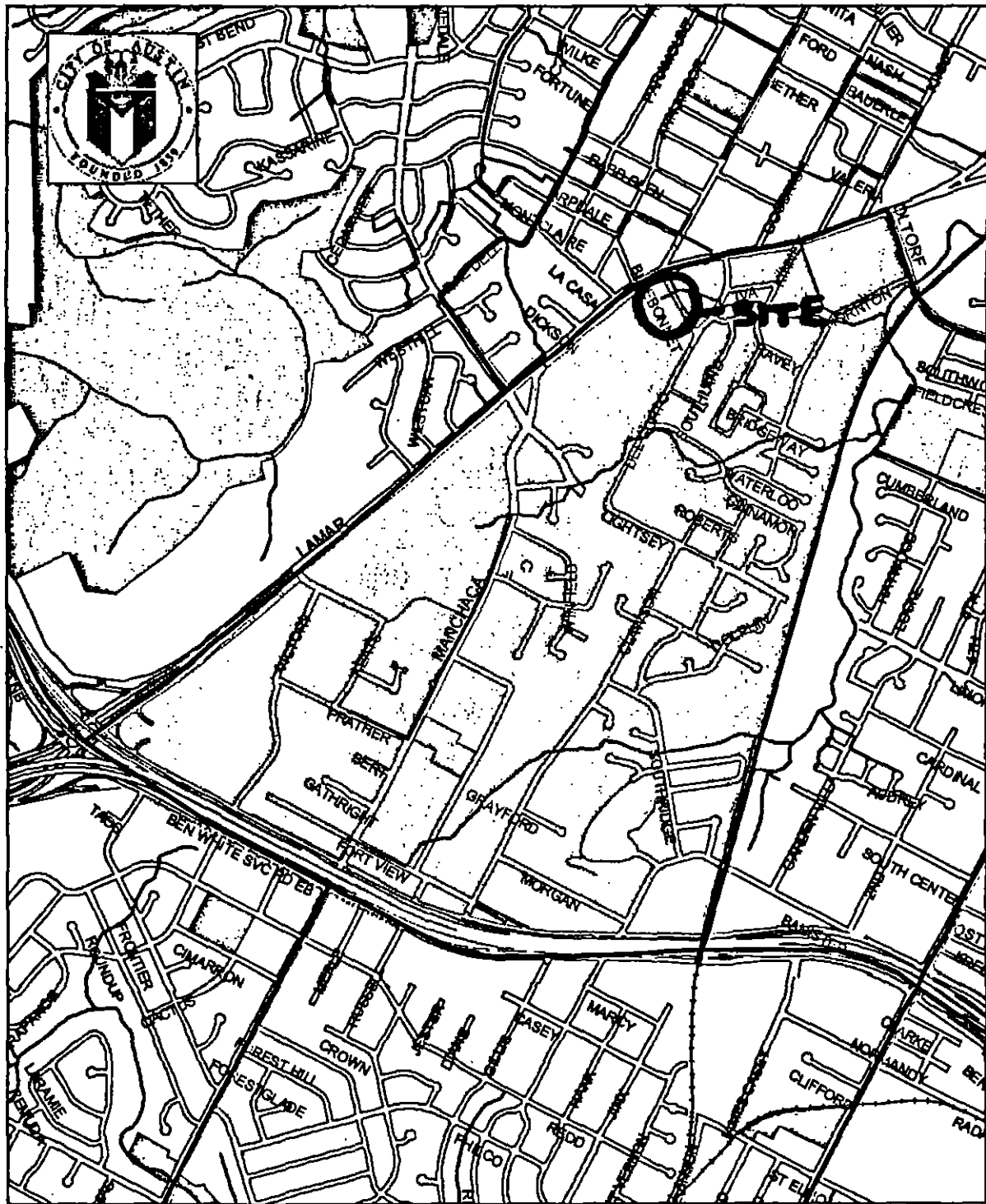
CASE #: C14-05-0033
 ADDRESS: 2529 S LAMAR BLVD
 SUBJECT AREA (acres): 2.139

ZONING

DATE: 05-03
 INTLS: 6M

CITY GRID
 REFERENCE
 NUMBER
 020

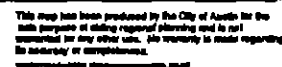




**South Lamar
Neighborhood Planning Area**



Parks



SUMMARY STAFF RECOMMENDATION

C14-05-0033

The property is currently zone Family Residence (SF-3) and the request is for a rezoning to Neighborhood Commercial-Mixed Use-Conditional Overlay (LR-MU-CO). The conditional overlay would limit vehicle trips to less than 2000 per day.

Staff recommends Limited Office-Mixed Use-Conditional Overlay (LO-MU-CO). Staff supports the conditional overlay limiting trips to less than 2000 vehicle trips per day.

The property to the west and north is in the process of being redeveloped for a Walgreen's Drug Store. To the south is parking for a Mexican restaurant – Matt's el Rancho. To the east is multi-family (MF-2) zoned land developed with one single-family house. Across Bluebonnet to the north lies additional Family Residence (SF-3) zoned land.

Staff supports the addition of mixed use to provide additional housing opportunities but believes that Limited Office is more in keeping with surrounding land use and neighborhood patterns.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
2. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

EXISTING CONDITIONS**Site Plan**

This tract has been previously developed with a now vacated mobile home park. Any new construction on this site would be subject to compatibility development regulations due to the existing SF-3 zoned property to the north, south, east & west and would be subject to the following requirements:

The site is subject to compatibility standards. Along the south and east property lines, the following standards apply:

- No structure may be built within 25 feet of the residential property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the residential property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the residential property line.
- No parking or driveways are allowed within 25 feet of the residential property line.

In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection. Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

A neighborhood traffic analysis was prepared and is attached.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin utility design criteria and specifications.

The landowner must pay all required water and wastewater utility tap permit, impact, construction inspection, and utility plan review fees.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.



MEMORANDUM

TO: Robert Heil, COA Neighborhood Planning and Zoning Department
CC: Members of the Zoning and Platting Commission
Jim Bennett
FROM: Emily Barron, COA Watershed Protection and Development Review Department
DATE: April 27, 2005
SUBJECT: Neighborhood Traffic Analysis for Bluebonnet Lane
Zoning Case # C14-05-0033 RC-2

The transportation section has performed a Neighborhood Traffic Impact Analysis for the above referenced case and offers the following comments.

The 2.139-acre tract is located in south Austin just east of the intersection of South Lamar Boulevard and Bluebonnet Lane. The site is currently zoned Single Family Residence (SF-3) and the existing use is a mobile home park. The site is surrounded by predominantly commercial uses to the west, single family to the north and multi family and limited office to the south and east. The zoning request is for Neighborhood Commercial Mixed Use with a conditional overlay (LR-MU-CO).

Roadways

The tract proposes access to Lamar Boulevard and Bluebonnet Lane via a joint access easement with the adjacent property owner and a driveway to Bluebonnet Lane that will serve only the proposed residential components of the site.

Lamar Boulevard is classified as a four lane divided major arterial and would provide the main access to the commercial portion of the site. The roadway currently has 120 feet of right-of-way and 60 feet of pavement. Lamar Boulevard is in the Bicycle Plan as a Priority 2 route from Bluebonnet Lane to Manchaca Road.

Bluebonnet Lane abuts the northeastern portion of the site and is proposed as the main access point for the residential portion of the site. Bluebonnet Lane is classified as a residential collector street with variable right-of-way and 20 feet of pavement. Improvements to Bluebonnet are currently under review (SP-04-1035D), which would provide Bluebonnet Lane with 40 feet of pavement from this site's eastern property line to Lamar Boulevard. Bluebonnet Lane is classified as a Priority 1 route in the Bicycle Plan. Under Section 25-6-114 of the Land Development Code, the portion of Bluebonnet Lane from Lamar Boulevard to Del Curto Road is classified as a residential collector street because at least 50 percent of its frontage is zoned for SF-5 or more restrictive uses.

Trip Generation and Traffic Analysis

The site is currently developed with 20 mobile home units that generate approximately 348 trips per day based on the Institute of Transportation Engineer's publication Trip Generation. The proposed 13,502 square feet of retail and 52-multi family dwelling unit development, that will replace the mobile home park, will generate 2,311 vehicle trips per day. A 34% pass-by trip reduction has been assumed for this retail use in accordance with the ITE Publication. Therefore, the adjusted trip generation is 1,683 vehicles per day. This information is provided in Table 1.

Table 1.				
Land Use	Size	Unadjusted Trip Generation	Pass-by reduction %	Adjusted Trip Generation
Retail	13,502s.f.	1,848	34%	1,220
Multi Family	52 d.u.	463	0%	463
TOTAL		2,311		1,683

Table 2 represents the expected distribution of the 1,683 trips:

Table 2.		
Street	Traffic Distribution by Percent for Retail	Traffic Distribution by Percent for Multi-Family
Lamar Boulevard	70%	50%
Bluebonnet Lane	30%	50%
TOTAL	100%	100%

Table 3 represents a breakdown of existing traffic on Lamar Boulevard and Bluebonnet Lane, proposed site traffic, total traffic after development and percentage increase in traffic on Lamar Boulevard and Bluebonnet Lane. It should be noted that it is assumed that joint access will be provided through the adjacent property, a future Walgreen's, to Lamar Boulevard and Bluebonnet Lane for all of the proposed retail and 50 percent of the residential use. The site driveway that is anticipated on Bluebonnet is proposed to be gated and therefore could only be used by the residents of the site.

Background traffic volumes were included in the existing traffic counts for the following project:

Walgreen's C14-04-0060

Table 3.				
Street	Existing Traffic (vpd)	Proposed New Site Traffic to each Roadway	Overall Traffic	Percentage Increase in Traffic
Lamar Boulevard	40,008	1,085	41,093	3%
Bluebonnet Lane (east)	2,318	598	2,916	20%

Of the site traffic to Bluebonnet it is assumed that all of the retail traffic will be turning left. This assumption is made based on the design restrictions established with the Walgreen's property that limit the turning movements for the driveway onto Bluebonnet to right/left in and left out only maneuvers. It is assumed that approximately 90 percent of the residential traffic will turn left at

the site driveway to access Lamar and approximately 10% will turn right to access Del Curto. Table 4 illustrates the distribution of site traffic onto Bluebonnet and the overall increase in traffic that would occur.

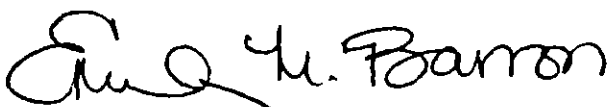
Table 4.						
Section of Bluebonnet	Retail Trips	Residential Trips	TOTAL Trips	Existing Traffic on Bluebonnet	Forecasted Traffic on Bluebonnet	Percentage Increase for Each Segment
Site Driveway to Lamar Boulevard	366	209	575	2,318	2,893	19%
Site Driveway to Del Curto	0	23	23	2,318	2,341	1%

According to Section 25-6-116 of the Land Development Code, streets which are less than 30 feet in width are considered to be operating at an undesirable traffic level if the average daily traffic volume for such roadways exceeds 1,200 vehicles per day. Currently, Bluebonnet Lane operates at an undesirable level. By widening Bluebonnet Lane as proposed with case SP-04-1035D the desirable operating level for Bluebonnet from the site driveway to Lamar Boulevard will increase to 4,000vpd and this section of Bluebonnet would operate at acceptable levels for this portion of the roadway. The portion of Bluebonnet from the site driveway to Del Curto is not included in the plans to upgrade therefore this portion of Bluebonnet would operate at undesirable traffic levels as defined by the Land Development Code.

Recommendations/Conclusions

1. No access to Bluebonnet Lane should be permitted until Bluebonnet Lane has been upgraded to 56' of right-of-way and 40' of pavement from the intersection of Lamar Boulevard to the southern site property line on Bluebonnet Lane.
2. City Council may approve this site if the Council determines that the applicant has satisfactorily mitigated adverse traffic effects, or that the additional traffic from a project has an insignificant effect on the residential street.
3. In order to minimize traffic on surrounding streets, the intensity and uses for this rezoning should be limited to 2,000 unadjusted vehicle trips per day over the current trip generation on the site. Development of this property should also be limited to uses and intensities, which will not exceed or vary from the projected traffic conditions assumed in this neighborhood traffic analysis including traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me 974-2788.



Emily M. Barron
Sr. Planner - Transportation Review
Watershed Protection and Development Review Department

**CITY ZONING AND PLATTING
COMMISSION**
May 3, 2005 [ANNOTATED]
CITY COUNCIL CHAMBERS AT CITY HALL
301 W. 2ND Street
1ST Floor

CALL TO ORDER – 6:00 P.M.

COMMENCED: 6:05 P.M.

ADJOURNED: 9:40 P.M.

____ Betty Baker - Chair

____ John Philip Donisi

____ Jay Gohil

____ Clarke Hammond - Secretary

____ Melissa Whaley Hawthorne- Assist. Sec.

____ Keith Jackson - Parliamentarian

____ A Joseph Martinez – Vice-Chair

____ Janis Pinnelli

____ Teresa Rabago

CONDUCT OF PUBLIC HEARINGS

1. Chair announces request.
2. Staff presents a summary of the case.
3. Chair calls on those **FAVORING** the request.
4. Applicant's presentation (5 minutes).
5. Others favoring the request (3 minutes).
6. Chair calls on those **OPPOSING** the request.
7. Primary presentation (5 minutes).
8. Others opposing the request (3 minutes).
9. Applicant is given opportunity to answer objections stated. (3 minutes)
10. Staff summation and questions from the Commission.
11. The public hearing on a zoning case may be closed and no further testimony is taken from the public.
12. If the public hearing is closed, the Commission shall make a recommendation to the City Council within 14 days or the case will be forwarded to the City Council without a recommendation. (Section 25-2-282).

All of the following items may be acted upon by one motion. The Commission does not consider items earlier than the time stated on the agenda; "Other Business" items can be taken at any time. After the posted time, the Commission Chairperson may announce the item and, if there is no opposition, the item may be taken "by consent" for approval without discussion.

CITIZENS WISHING TO SPEAK BEFORE THE COMMISSION MUST REGISTER BY SIGNING A LIST AT THE ENTRANCE (RED BOOK).

Any interested party aggrieved by a decision of the Zoning & Platting Commission on a Hill Country Site Plan, Conditional Use Permit, Replacement Site Plan, or a Preliminary Subdivision Plan with an environmental variance may only appeal the Commission's decision to the City Council. The notice of appeal must be submitted in writing on a form provided by the Director of Neighborhood Planning & Zoning Department within fourteen (14) days following the decision of the Zoning & Platting Commission.

6. **Rezoning:** C14-05-0033 - 2525 South Lamar
Location: 2525 South Lamar, West Bouldin Creek Watershed
Owner/Applicant: Gene Payne
Agent: Bennett Consulting (Jim Bennett)
Prev. Postponed on 4/19/05 (Staff)
Postponements
Request: SF-3 to LR-CO-MU; AMENDED TO LO-MU-CO
Staff Rec.: RECOMMENDED
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
Neighborhood Planning and Zoning Department

APPROVED LO-MU-CO ZONING WITH CONDITIONS OF:

- MAXIMUM OF 2000 VEHICLE TRIPS PER DAY;
- 40 RESIDENTIAL UNITS, REMAINDER 40% BE NON-RESIDENTIAL;
- PROHIBIT MEDICAL OFFICES;
- NO ACCESS TO BLUEBONNET LANE UNTIL UPGRADES HAVE BEEN MADE;
- PROVIDE SHIELDED EXTERIOR LIGHTING;

[K.J; M.W 2ND] (8-0) J.M - ABSENT

- ~~7. **Rezoning:** C14-05-0048 - Palm Harbour Round Rock Sales Office
Location: 15946 N. IH-35 Service Road South Bound, Gilleland Creek Watershed
Owner/Applicant: Palm Harbor Homes (Greg Vaughn)
Agent: The Moore Group, Inc. (Ed Moore)
Request: SF-2 to CS
Staff Rec.: ALTERNATE RECOMMENDATION: CS-CO
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
Neighborhood Planning and Zoning Department~~

~~**POSTPONED TO 05/17/05 (APPLICANT & NEIGHBORHOOD)**~~

~~[J.D; T.R 2ND] (7-0-1) K.J - ABSTAINED; J.M - ABSENT~~

- ~~8. **Zoning:** C14-05-0051 - Tomanet Estates Zoning #1 (City Initiated)
Location: 12502-12604 Tomanet Trail, Walnut Creek Watershed
Owner/Applicant: City of Austin
Agent: Neighborhood Planning & Zoning Department (Sherri Sirwaitis)
Request: I-RR to SF-1
Staff Rec.: RECOMMENDED
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
Neighborhood Planning and Zoning Department~~

~~**APPROVED STAFF'S RECOMMENDATION FOR SF-1 ZONING: BY CONSENT.**~~

~~[J.D; J.G 2ND] (8-0) J.M - ABSENT~~

MEMORANDUM

TO: Betty Baker, Chair and Members of the Zoning and Platting Commission

FROM: Dora Anguiano, Zoning and Platting Commission Coordinator
Neighborhood Planning and Zoning Department

DATE: May 10, 2005

SUBJECT: Zoning and Platting Commission Summary

Attached is a Zoning and Platting Commission summary, which will be forwarded to the City Council.

CASE # C14-05-0033

6. **Rezoning:** **C14-05-0033 - 2525 South Lamar**
Location: 2525 South Lamar, West Bouldin Creek Watershed
Owner/Applicant: Gene Payne
Agent: Bennett Consulting (Jim Bennett)
Prev. Postponed on 4/19/05 (Staff)
Postponements
Request: **SF-3 to LR-MU-CO; AMENDED TO LO-MU-CO**
Staff Rec.: **RECOMMENDED**
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
Neighborhood Planning and Zoning Department

SUMMARY

Robert Heil, staff – “Staff would request that item #6 be placed back on the consent agenda; and the neighborhood and applicant have come to an agreement on the CO and staff is in support of that with conditions and your permission, I’d like to read that into the consent agenda”.

Commissioner Baker – “Go ahead”.

Mr. Heil – “The previous request was to LR-MU-CO; the amended request is to LO-MU-CO; the conditional overlay includes the following items; a maximum of 2000 vehicle trips per day, a maximum of 39 residential units, maximum of 40% of the enclosed space to be developed as commercial, Westlake lighting standards which can be incorporated there are several of those that are similar on the Walgreen tract adjacent to it; and the prohibition of medical office use”.

Commissioner Hammond – “You said a maximum of 40% commercial use; is that up to 40%, is there no minimum/maximum on that?”

Mr. Heil – “The intent with the maximum residential units and a maximum percentage of commercial office space is to provide a true mixed use project onsite”.

Commissioner Hammond – “I understand that; I want to make sure it’s clarified that this will be in area of 40% and not up 40%; that’s what I’m trying to get at. To me when you say a maximum of 40%, it could be 0%, right?”

Mr. Heil – “Yes, with this conditional overlay there is no minimum set on the amount of commercial space; however, having a maximum number of residential units is the attempt to address that on the other side”.

Commissioner Hammond – “I guess if the neighborhood is okay with that, I guess I’m okay with it”.

Commissioner Baker – “You might in the motion require a minimum or maximum of 39 dwelling units and then a proportionate ratio be non-residential; in other words, we don’t want it to be a parking lot for the apartments; is that correct?”

Commissioner Hammond – “Yes”.

Commissioner Baker – “If you can figure out a way to put that into a motion. Is anyone here to speak in opposition to this?”

Someone in the audience stood up to speak in opposition.

Commissioner Baker – “We’re going to pull it then; we’ll come back to this item”.

Commission moved on to Item #5 and then returned to Item #6.

Robert Heil, staff – “The request is from SF-3 and the amended request is to LO-MU-CO. The conditional overlay would be for a maximum of 2000 vehicle trips per day; a maximum of 40 residential units; a minimum of 20% and a maximum of 40% of the developed space as office/commercial; exterior lighting standards consistent with those used in Westlake; and prohibit medical offices. Staff is in support of these conditions, as well as the applicant and the neighborhood”.

Commissioner Baker – “Commissioners is it okay to go straight to the opposition?”

Commissioners – “Yes”.

Mr. Heil – “The applicant asked me to clarify that is a maximum of 40 residential units”.

Commissioner Whaley – “It was 39 and now it’s 40?”

Mr. Heil – “Correct; they also added a minimum of the office to address some of the concerns raised. There’s also conditions recommended in the neighborhood traffic analysis, which I would also like to include in the conditional overlay”.

Commissioner Baker – “It’s in the packet aren’t they?”

Mr. Heil – “Yes they are”.

Commissioner Baker – “Okay, there was someone here in opposition; will that person come up”.

OPPOSITION

Brian King – “I am concerned about when this goes through build out, that regardless if 10,000 square feet are built or 50,000 square feet, that we have that mixture in our neighborhood. Our desire for this area is mixed use and we don’t want to see it scud one

way or the other; we don't want to see 39 units built of residential and no commercial activity. We want it to be a vibrant walkable mixed use area. I would like to see in this conditional overlay that whatever is built, whether it be 1 foot or 50,000 square feet, that that ration would apply to what is actually built. So we'll see businesses in there and we'll see residences in there and not one or the other".

Commissioner Baker – "Commissioners that could be an addition to the agreement or covenant with the neighborhood; that there would be no certificate of occupancy issued until the ratios of non-residential and residential were constructed".

Commissioner Donisi – "I like that".

Mr. King – "If we go with the restrictive covenant route; I would hope that you would also convey that the developer has agreed, in our last neighborhood meeting, to put a performance bond on any restrictive covenant, as we did with the Walgreen's agreement; and that be part of the recommendation. That if it falls back, that we have to, as a neighborhood, go enforce this percentage; we need to be funded to go after that because the neighborhood cannot fund a legal battle. The applicant did agree to do that at our last neighborhood meeting after we discussed it, so I would hope that would go forward too as your recommendation".

Commissioner Baker – "Can we hear from the applicant on that issue, please?"

Commissioner Whaley – "Mr. Heil, is there not a way that, that could be rolled into the CO? Maybe this is a question for legal".

Commissioner Baker – "No, it's not appropriate for the City to require that; it's an agreement that the neighborhood and applicant made. The ratios and the conditional overlay, yes".

Mr. Heil – "The ratio will be in the conditional overlay and my understanding of the site development process is that that would be checked at the site development approval stage. So there would be a check built in at that point; but a specific agreement would need to be done privately and would not be...."

Commissioner Whaley – "Well, it's the ratio language and not the bond or the private agreement; but in the conditional overlay, is there anyway to make the language perhaps specific to percentage?"

Commissioner Baker – "You want a conditional overlay that there would be a maximum of 40 units and in addition to that, 20 to 40% of the remainder of the land area would be either office, retail or commercial? That would be in the conditional overlay".

Mr. Heil – "My understanding is that that would apply regardless of the final build-out size of the project".

Commissioner Hammond -- "Can we make it so that the conditional overlay is that the mixed use part of the project be 40% of the square footage of the residential? So if you have 50,000 square feet of residential...can we put in the conditional overlay that the mixed use development should be 40% of the 50,000?"

Commissioner Jackson -- "If you go build 10,000 square feet of single-family residential; that then you have to build 2,000 or 4,000 commercial uses, before they go build another square foot of single-family residential use?"

Commissioner Hammond -- "No, I'm talking about the whole project".

Commissioner Jackson -- "Well, I think you done it in the whole project".

Commissioner Hammond -- "I want to make sure".

Commissioner Jackson -- "Well, I think you have; if you limited the single-family to a certain number and then you got this minimum and maximum, we've done it. Unless they divide this up to where it's only 39 single-family residences out there".

Commissioner Hammond -- "It's South Austin and things can get a little slippery down there".

[Laughter]

Commissioner Jackson and Rabago moved to close the public hearing.

Commissioner Baker -- "Can there be a motion to the affect that we would approve the LO-MU-CO; the conditions outlined by staff; in addition, limiting the residential development to 40 units; the remainder of the land area, 20 to 40% of the total land area must be office, retail and/or commercial?"

Mr. Heil -- "Excuse me.... Not land area, but square footage of the"

Commissioner Baker -- "20 to 40% of the building development and would be office/commercial standards; exterior lighting, as in Westlake, and prohibit medical offices. Someone needs to make that motion".

Commissioner Jackson -- "I would make a motion very similar to that; I would ..."

Commissioner Donisi -- "I think there are some people here would are burning to speak on this".

Commissioner Baker -- "Let's resend the motion of closing the public hearing".

Commissioners moved to resend and reopen the public hearing.

Carol Gibbs – “One of the main things I want to get put out here; I want to acknowledge this developer for being as upfront with us and working with us. I wish our battles could be this easy. As for the wording for this; I think part of the problem we’re having with what’s being batted around is that we want to see the percentage of commercial; the percentage of the build out space, the building, to be between 20 and 40% commercial AND the residential be limited to 40 units or less. I’m a little uncomfortable with the percentage coming after the reference to the residential; and then the lighting standards and all that.... I want to make one other comment about the performance bond that was discussed at our neighborhood association meeting; I have confidence, we won’t have to go there; we have worked out everything in the conditional overlay; I choose to believe that that won’t be an issue, thank you”.

Jim Bennett, applicant – “We agree with the staff recommendation that Robert presented to you and that Carol just presented to you”.

Commissioner Whaley and Donisi moved to close the public hearing.

Commissioner Jackson – “I make a motion that this be zoned LO-MU-CO; the CO being 2000 vehicle trips per day limit; of the total buildable square footage available on this site, 20 to 40% of it, be non-residential and the balance being no more than 40 residential units. The exterior lighting conforms to the Westlake lighting standards, prohibiting medical office uses and incorporating the traffic improvements and requirements in the staff recommendations”.

Commissioner Whaley – “I’ll second that”.

Commissioner Baker – “All in favor of the motion say aye”.

Aye. Motion carried 8-0.

COMMISSION ACTION:
MOTION:

- JACKSON, WHALEY**
APPROVED LO-MU-CO ZONING
WITH CONDITIONS OF:
- **MAXIMUM OF 2000 VEHICLE TRIPS PER DAY;**
 - **MAXIMUM 40 RESIDENTIAL UNITS**
 - **MINIMUM 20% AND MAXIMUM 40% OF BUILDING SQUARE FOOTAGE TO BE NON-RESIDENTIAL;**
 - **PROHIBIT MEDICAL OFFICE USE;**
 - **NO ACCESS TO BLUEBONNET LANE UNTIL UPGRADES HAVE BEEN MADE;**
 - **PROVIDE SHIELDED EXTERIOR LIGHTING.**

AYES:

GOHIL, WHALEY, RABAGO,
JACKSON, PINNELLI, BAKER,
DONISI, HAMMOND
MARTINEZ

ABSENT:

MOTION CARRIED WITH VOTE: 8-0.